

**SPECIAL PUBLIC MEETING OF THE BOARD OF DIRECTORS OF THE
ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND**

APPROVED SPECIAL BOARD MEETING MINUTES

October 9, 2013

ASDB Tucson Campus

Career and Technical Education (CTE) Building, Room 163/164

7654 N 19th Ave, Phoenix, Arizona

I. Call to Order and Roll Call

Board President Michael Williams called the meeting to order at approximately 5:04 p.m. and Superintendent Hill conducted roll call.

Members Present: Taralynn Petrites

Members Present via Telephone: Michael Williams, Sherri Collins, Elaine Baldridge, Kathy Jankowski, Mark Syms, Michael Gordon, Orlenda Roberts, and Marv Lamar

Others Present: Superintendent Robert Hill, Attorney General Representatives Michelle Kunzman and Dennis Carpenter (both via telephone)

II. Approval to Extend the Contract with Fennemore Craig Law Firm for Discussion, Consideration, and Possible Action

Michael Williams explained the reason for placing item II on the agenda. He reported that he met with the Attorney General's Office Chief Deputy Rick Bistrow a week ago last Friday in the AG's Office and talked with Mr. Bistrow on phone on Monday. Mr. Bistrow gave permission for the ASDB Board to continue working with attorney Fennemore Craig in order to join the Board at the meetings as the Board works through the investigation, Fennemore Craig recommendations, and any actions the Board chooses to take which requires a Board vote. Michael Williams explained that Kathy Jankowski attempted to make a motion at the previous Board meeting but the Board didn't have AG approval so Mr. Williams secured that approval and called this special meeting to address the agenda item to extend the Fennemore Craig contract. Michael Williams shared his personal beliefs that it is necessary for the person who has conducted the investigation to be available at Board meetings in addition to legal counsel at the Attorney General's Office.

Michael Williams also explained the reason for placing item III on the agenda. He wanted the Board to decide if a Board meeting is necessary prior to the next scheduled Board meeting.

Opened up the floor regarding the Fennemore Craig matter and any motions that the Board may desire.

Orlenda Roberts indicated she had some questions. She asked that the questions and answers be reflected in the record. The questions were as follows: What is the scope of work for maintaining Fennemore Craig since it is her understanding the prior scope of

work regarding the investigation has been completed? How will ASDB pay for this additional work? Does the Board have a not-to-exceed amount established? Who is handling procurement? Her concern is the financial situation of the agency facing a million dollar shortfall.

Michael Williams said he could answer the questions and said he felt it important to retain Fennemore Craig. He noted that the work is primarily done. The Board is working off both the investigative report and the recommendations made in the report related to policy. He would like to have Fennemore Craig in the room while the Board is doing executive session as the Board decides over the next couple of meetings what the Board is doing. Unless the Board gives Fennemore Craig more work to do in between meetings, there should not be a whole lot of work that needs to be done. Therefore, he doesn't think the cost will be much. He said that the cost of having three police officers present has been more expensive than what will be paid for the attorney for the hour or hour and a half in executive session. It would be his preference to keep the Fennemore Craig attorneys on while the Board works through the recommendations made by Fennemore Craig until the Board makes a final decision. He commented this has taken too long. He doesn't want there to be any questions or comments for any of the Board members around the report and this is why he has talked to the Governor's Office about keeping Fennemore Craig on board until this issue is resolved. He guessed that the time would be limited to 2 hours during the Board meeting.

In response to questions by Sherri Collins and Taralynn Petrites regarding a motion in this matter, Michael Williams explained there is no motion on the table. At the moment there is only questions and discussion regarding continuing with Fennemore Craig during this process.

Sherri Collins noted that she would like to add to any motion to extend the contract with Fennemore Craig by adding that the scope is to work with the Board for legal counsel as the Board resolves the issue that was identified in the report that was submitted to the Board.

Mr. Williams asked for further questions before entertaining a motion.

Marv Lamer commented he had none.

Michael Williams asked Kathy Jankowski if she had a motion she wished to make.

It was moved by Kathy Jankowski that the Board extend the contract with Fennemore Craig.

Michael asked Kathy Jankowski if she would like to add for the purposes of completing the investigation and implementation of recommendations that were in the report. Jankowski responded yes.

It was moved by Kathy Jankowski, seconded by Taralynn Petrites, and carried with a vote of 8 in favor and 1 opposed (Orlenda Roberts) that the Board extend the contract with Fennemore Craig for the purposes of completing the investigation and implementation of recommendations that were in the report.

III. Date of Next Board Meeting for Discussion, Consideration, and Possible Action

Michael Williams noted that the next regularly scheduled Board meeting is October 24, 2013. He asked to know the availability or the feeling of the Board regarding the scheduling of a special Board meeting next week to try and resolve, at least the investigative part, of what the Board has been dealing with over the last several months or keep the meeting on the 24th. Michael Williams clarified this would mean meeting again in Phoenix sometime next week or asked if the Board just wanted to continue on October 24th in Tucson as scheduled?

Orlenda Roberts suggested to keep the regular meeting on the 24th in Tucson since last 2 or 3 meetings have been Phoenix.

Michael Williams clarified the Board will definitely meet on October 24th in Tucson but he wants to know if the Board desires to have a special meeting before the October 24th meeting to try to expedite a decision in the investigation matter.

Note: The Tucson location speakerphone was accidentally disconnected from the telephonic discussion at approximately 5:17 and was reconnected at approximately 5:19 p.m.

Michael's Williams asked Michelle Kunzman and Dennis Carpenter if a special meeting can be mainly kept to an executive session?

Mark Syms commented he didn't think the question was a question for the attorneys. He thought it only a question for the Board in terms of what the Board wants to do. His suggestion would be to meet in Tucson and if the Board doesn't get through work in Tucson, the Board can do something shortly thereafter if needed in order to wrap everything up.

With a pause in the discussion, Robert Hill informed the Board of the brief disconnect. Therefore, Michael Williams recapped the discussion was focused on having additional meetings to take care of business.

Michael Williams asked about the possibility of starting the meetings earlier but Mark Syms said this doesn't work with his schedule.

Elaine Baldrige suggested that the Board determine availability now for a special meeting after the 24th in case an additional meeting is needed.

Taralynn Petrites requested the meeting on the 24th remain at 5:00 since she has to drive from Tucson to Phoenix, but would like to schedule an extra meeting next week, and even have a meeting every week if possible.

Michael Williams confirmed the Board will hold the meeting on October 24th as scheduled at 5:00 in Tucson, and indicated the 29th is the only day that he would be available if needed.

Kathy Jankowski asked what was being discussed?

Michael Williams recapped the discussion that if it is necessary to have a meeting following the 24th, the Board will hold a meeting in Phoenix on the 29th at 5:00. Rest of week doesn't work for him and it is too short notice to meet before the 24th.

Marv Lamer confirmed if an additional meeting is needed, the 29th works with his schedule.

Sherri Collins requested confirmation that the meeting will be in Tucson on the 24th, and Michael Williams responded yes.

Michael Gordon confirmed if an additional meeting is needed, the 29th works with his schedule.

Kathy Jankowski asked the location of the meeting on the 29th.

Michael Williams said the location of a meeting on the 29th will be determined at the meeting on 24th if such a meeting is determined necessary.

Mark Syms confirmed if an additional meeting is needed, a meeting at 5:00 on the 29th does work with his schedule.

Orlenda Roberts confirmed that if an additional meeting is needed, a meeting at 5:00 the 29th works for her. She suggested to avoid a meeting on the 29th, if possible, she asked the Board consider removing non-agenda items from the 24th meeting agenda or severely limit to allow as much time for executive session, or put at end of agenda.

Michael Williams agreed that limiting comments on non-agenda items or placing at end of agenda after business is completed will definitely be an option.

Taralynn Petrites requested that public comment remain at start of agenda.

Michael Williams explained that "non-agenda" items may be limited, and reiterated that comments on "agenda" items will be allowed prior to a taking vote in the matter.

Elaine Baldrige confirmed that if an additional meeting is needed, a meeting on the 29th will work with her schedule.

IV. Adjournment

It was moved by Sherri Collins, seconded by Elaine Baldrige, and unanimously carried that the meeting be adjourned.

The meeting was adjourned at approximately 5:28 p.m.